CITY OF TORONTO
PLANNING AND DEVELOPMENT DEPARTMENT

520/03276
CC&W
March 25, 1985

To: Land Use Committee

Subject: Railway Lands Part II Plan: Implementation Strategy

Origin: Commissioner of Planning and Development (c71luc85165:81)

Comments:

1. BACKGROUND:

During its consideration of the Railway Lands Part II: Development Concept in December of 1983, City Council endorsed the Development Concept as:

> "a basis for the development of a comprehensive implementation strategy, dealing with matters such as land exchanges and conveyances; community services, including public health and library facilities; the application to the Railway Lands of development control tools and the preparation of the necessary by-laws established by the Planning Act, including a Part II Official Plan, Zoning By-law and Section 40 Review; a phasing plan; and agreements respecting responsibility for the provision of infrastructure and the sharing of infrastructure costs."

In addition, City Council adopted several other recommendations which relate to the development of a comprehensive implementation strategy. (See Recommendation Numbers 3, 11 and 12 of Appendix 1 to this report). The Land Use Committee, in considering the Railway Lands Part II: Development Concept, also requested that certain concerns be considered in developing the Part II Plan and Implementation Strategy. The specific Land Use Committee referral item which is relevant to the comprehensive implementation strategy is Item No. 10 in Appendix 2 to this report.

2. PURPOSE OF THIS REPORT:

This report responds to the major City Council recommendation cited above, and deals with the following matters:

(i) development control strategy;

(ii) land exchanges and conveyances;

(iii) infrastructure requirements and cost-sharing;

(iv) phasing of development; and

(v) other implementation matters, including property rights.

In order to understand the full extent of the proposals for the Railway Lands, this report should be read in conjunction with the March 18, 1985 report entitled Railway Lands Part II: Proposals.

3. DEVELOPMENT CONTROL STRATEGY:

As noted in the companion report, Railway Lands Part II: Proposals, an important objective in devising an implementation strategy for the Railway Lands was to ensure that, to the extent possible, the strategy relied on development control mechanisms established in The Planning Act. In addition, several other critical factors had to be taken into consideration.

First, the strategy had to recognize the complex pattern of land ownership in the area. (Maps 1 and 2 attached to this report illustrate this land ownership pattern.) Second, the development strategy had to recognize both the scope of the development contemplated for the Railway Lands, and the need to ensure that this development would proceed in a phased, incremental manner. Third, the strategy had to provide both certainty with respect to the overall development potential to be permitted, and flexibility with respect to its incremental realization over an extended period of time. Finally, the strategy had to ensure that the City's interests would be adequately protected and that the development would bring with it substantial public benefits.

The main components of the development control strategy developed with these considerations in mind are:

(i) a Part II Official Plan;

(ii) Zoning By-laws which, except for the by-law respecting the proposed covered stadium and surrounding sites, utilize the "holding" provisions permitted under Section 35 of The Planning Act;

(iii) a Memorandum of Conditions which will establish conditions governing the provision of the necessary local services, the provision of land for parks and housing, the sharing of infrastructure costs, land exchanges and conveyances, environmental safeguards and other site planning issues; and

(iv) the designation of the lands as an area of site plan control in accordance with Section 40 of The Planning Act.

These primary components and the precinct (or sub-area) and site-specific mechanisms through which they will be elaborated are discussed in more detail below.

3.1 Part II Plan

The proposed Part II Plan, which is included in the accompanying report entitled Railway Lands Part II: Proposals, is the most comprehensive component of the development control strategy. It establishes the policies and objectives which will guide the incremental development of this large and critically located portion of the City; it sets out specific requirements for the distribution of land uses and densities, the creation of a new street system and the development of extensive networks of public open spaces; and it identifies the major procedures through which all these aspects of the development process will take place. All zoning by-laws which apply to any portion of the Railway Lands and all public works undertaken in this area must be in conformity with the Part II Plan.

3.2 Zoning By-laws

Zoning by-laws enacted pursuant to Section 34 of The Planning Act are the mechanism through which development rights and restrictions are applied to land. Two kinds of zoning by-laws are proposed for the Railway lands. In the case of all precincts defined in the Part II Plan other than the precinct in which the proposed stadium is to be located, the zoning provisions will include a "holding" designation which must be removed by the enactment of an amending by-law, pursuant to Section 35 of The Planning Act, before development can occur. Except for the "holding" provision, this zoning by-law will generally have the same characteristics and the same degree of specificity as the City's main Zoning By-law (By-law No. 20623). The application of the "holding" designation and the process for its subsequent removal will provide a means of ensuring that the servicing and development of the Railway Lands proceeds incrementally in soundly planned phases.

Because the development of the proposed stadium is imminent, it is not appropriate to utilize the "holding" provision of Section 35 of The Planning Act. And because it is highly desirable that the stadium be part of a comprehensive development, rather than an isolated structure, the Part II Plan establishes a special stadium precinct (Precinct A on Map E of the Part II Plan) to be covered

by a more detailed zoning by-law dealing with the special land use and site planning requirements for this area.

3.2.1 "Holding" Zoning By-law for All Precincts other than the Stadium Precinct

As noted above and as set out in Section 11 of the proposed Part II Plan, the enactment of a zoning by-law utilizing the "holding" provisions of Section 35 of The Planning Act is appropriate in view of the present unserviced nature of the Railway Lands, the costs of preparing the Lands for redevelopment, and the desire to proceed with development in incremental phases over an extended period of time. No redevelopment of lands covered by the "holding" designation can occur, except for railway-related purposes, until City Council has considered an application to remove the "holding" status from the by-law. These applications would be submitted on a precinct by precinct basis, and, subject to Section 11.7 of the proposed Part II Plan, would include:

(i) a Precinct Plan,

(ii) a Precinct Agreement,

(iii) an Environmental Report,

(iv) an Environmental Agreement, and

(v) a Concept Plan,

all of which must be in conformity with the Part II Plan.

The specific requirements for a Precinct Plan are set out in Section 11.7 of the proposed Part II Plan. In general, a Precinct Plan will include the same kind of site planning information which would be required for a plan of subdivision. It will also identify lands to be provided to the City for housing and parks purposes and will address matters raised in the Environmental Report.

The Precinct Agreement, which will likely call for other precinct-specific agreements respecting matters such as servicing, cost sharing, the conditions affecting the provision of land for parks and housing, etc., is intended to ensure that development proceeds in accordance with the Precint Plan.

The matters to be addressed in the Environmental Report as set out in Section 9.1 of the proposed Part II Plan, and the Environmental Agreement will ensure that the specific safeguards and measures identified in the Environmental Report are complied with. Section 9.4 of the proposed Part II Plan requires that all Environmental

Reports and Environmental Agreements be satisfactory to both the City and the Ministry of Environment.

The requirements and purpose of the Concept Plan are set out in Section 11.8(a) and (b) of the proposed Part II Plan The Concept Plan, which must be consistent with the provision of Section 3.5 of the proposed Part II, is intended to demonstrate that the Precinct Plan will "work" in an urban design, as well as a site planning, sense. It will also be used to evaluate site-specific applications for Development Review within the Precinct.

The development control process to be followed in all precincts which are given a "holding" designation is summarized in Figure 2.

3.2.2 Stadium Precinct Zoning By-law

With respect to the site proposed for a covered stadium and those development sites immediately surrounding the stadium, the proposed Part II Plan requires the enactment of a zoning by-law in accordance with Section 34 of The Planning Act before development can proceed. This zoning by-law will be drafted for consideration by City Council, the general public and affected agencies following the submission of an application which includes plans, drawings and other materials similar to those included in the Precinct Plan, Precinct Agreement, Environmental Report and Environmental Agreement required in other areas of the Railway Lands as part of an application to remove their "holding" status.

In addition, the stadium precinct by-law will address other matters, including height limits, set-backs and parking restrictions as outlined in Section 11.13 of the proposed Part II Plan.

The by-law for the stadium precinct will be more detailed because the proposed Part II Plan does not require that a Concept Plan be submitted as part of the application for an implementing zoning by-law for this area. As a result, the by-law will be an important tool in ensuring that the development within this precinct is planned comprehensively. For the same reason specific Development Review applications for the area will have to be evaluated carefully for consistency with Section 3.5 of the proposed Part II Plan, as well as the specific provisions of Sections 10.4 and 10.4.1 to 10.4.4.

The development control strategy envisaged for the stadium area is summarized in Figure 3 of this report. It is proposed that the adoption of this implementing by-law occur at the same time as City Council's adoption of the Part II Plan, the "holding" by-law for the remainder of the Lands and the adoption of the Memorandum of Conditions for further agreements.

3.3 Memorandum of Conditions

The Memorandum of Conditions, later to be enforced through the adoption and execution of agreements between the landowners in the area and the City, is central to the development control strategy for the Railway Lands. This Memorandum of Conditions would include:

(i) the requirement that, notwithstanding any rights which may exist under provincial or federal legislation, the landowners comply with the Part II Plan for the Railway Lands, the zoning by-laws for the area, and the requirements of Section 40 of The Planning Act; and

(ii) the main conditions governing the provision of municipal services; land exchanges and conveyances, including the provision of lands to the City for parks and housing; and cost-sharing arrangements for services and improvement of public lands. These conditions would be elaborated in binding agreements to be entered into at the appropriate point in the development process. (These matters are discussed in more detail in Sections 4 - 7 of this report.)

3.4 Development Review (Section 40 of The Planning Act)

In addition to being subject to the Part II Plan, zoning by-laws and other implementing agreements, the Railway Lands should be designated an Area of Site Plan Control, pursuant to Section 40 of The Planning Act. At present, the area east of Spadina is already so designated, but the remainder of the Lands are not. Section 12.2 of the proposed Part II Plan states that this designation should take place.

Section 40 of The Planning Act provides City Council with development control powers respecting matters such as the location of buildings on a lot, massing and conceptual design of buildings or structures, landscaping, vehicular access, lighting, and pedestrian walkways. In addition to other agreements respecting the provision of municipal services, roads, land conveyances and exchanges, and cost-sharing arrangements, most individual developments will require a Development Agreement between the landowner and the City to secure the matters outlined in Section 40 of The Planning Act.

3.5 Summary of the Proposed Development Control Strategy

The Development Control Strategy proposed for the Railway Lands establishes three distinct stages in the development control process. The most general deals with the Lands in their entirety

and includes the Part II Plan, implementing zoning by-laws and the Memorandum of Conditions. The approval process for this general or overall stage is summarized in Figure 1.

The second stage occurs at the sub-area or precinct level, where specific site-planning issues are to be dealt with, including servicing, the identification of lands to be provided to the City for parks and housing, environmental matters and certain issues of urban design.

At the third, or site-specific stage, each separate development proposal must go through the Development Review process before a building permit is issued.

The approval process for stages two and three (precinct and site-specific) are summarized in Figure 2 where a "holding" designation is used) and in Figure 3 (for the stadium precinct).

4. LAND EXCHANGES AND CONVEYANCES:

4.1 Land Transactions Involving the City, Canada Post Corporation and Marathon Realty

As outlined in the previous Railway Lands Part II: Development Concept and the Railway lands Part II: Proposals, lands in the portion of the Railway Lands located in the Central Core (east of John Street) are owned or controlled by a number of separate interests. (See Maps 1 and 2.) While the pattern of land holdings reflects the creation and use of this area for railway purposes, it is essentially incompatible with the division of lands into development blocks, as proposed in both the Development Concept and the proposed Part II Plan.

In addition, when the Part II Plan is overlaid on the present pattern of land holdings, almost all of the public streets, parkland and housing sites fall on lands owned by the Toronto Harbour Commissioners and controlled through a perpetually renewable lease by CP Rail and related companies. The other lands in this area, predominantly owned by the Canada Post Corporation and the City of Toronto, have not been allocated any of these public uses.

In order to rationalize the pattern of land holdings east of John Street within the Railway Lands and to ensure, to the extent possible, that all interests contribute equitably to the provision of public benefits, a series of land exchanges involving conveyances and leases is proposed.

These proposed land exchanges include:

(i) an exchange of lands owned by the City of Toronto (approximately 1.25 hectares or 3 acres) for those lands now owned or controlled by CP/Marathon which are to be used for parks, housing and streets; and

(ii) a contribution in land (approximately .5 hectares or 1.2 acres) from the Canada Post Corporation to the City to be further conveyed to Marathon Realty, which recognizes Canada Post's responsibility for the achievement of the public benefits referred to in (i) above.

With respect to the area east of John Street, this series of land exchanges results in approximately 1.74 hectares (4.3 acres) of land designated for commercial purposes (8 x non-residential density of which 7 x can be used for office) being transferred to Marathon Realty from the City and Canada Post. The City would, as a result of these land exchanges, secure approximately 5.8 hectares (14.3 acres) of public parkland, 2.8 hectares (7 acres) of new public street right-of-way and a housing site of 1.05 hectares (2.6 acres). The total Marathon lands conveyed or leased to the City for public purposes approximates 9.65 hectares (23.9 acres).

These land exchanges provide the basis for ensuring the realization of major public benefits in the Railway Lands east of John Street. The exchanges also distribute commercial development rights in a manner which recognizes the principle of an equitable distribution of responsibilities among the major landowners for public streets, public parkland and City-controlled housing.

The principles of these land exchanges have been thoroughly discussed with Marathon Realty, the Canada Post Corporation and the City Property Commissioner. The proposed Memorandum of Conditions will further address the matter of land exchanges and conveyances with particular attention to the form of interest in land conveyed or leased, timing of the exchanges and any conditions attached to the transactions.

4.2 Land Transactions Involving the City and CN Real Estate

As outlined in the Railway Lands Part II: Development Concept and again in the Railway Lands: Proposals, CN Real Estate has agreed to provide sizeable portions of its land holdings west of John Street for public purposes. As detailed in the proposed Part II Plan, CN Real Estate will provide land to the City sufficient to accommodate 1,100 housing units at an average density of 250 units per hectare (100 units per acre), or 4.45 hectares (11 acres). CN Real Estate will also contribute 5.09 hectares (12.58 acres) of public parkland and 6.71 hectares (16.58 acres) of land for primary public streets. In addition, CN Tower Corporation,

another subsidiary of Canadian National, has indicated that it is prepared to lease to the City for public parks purposes approximately 1.70 hectares (4.20 acres) around the base of the CN Tower as a logical extension of the Central Park located to the south.

In light of these major land contributions for public purposes, CN Real Estate has requested that the City lands comprising Station Street be conveyed to CN Real Estate to permit a comprehensive redevelopment scheme in this area of the Financial District north of the Rail Corridor. As part of this arrangement, and as required in the proposed Part II Plan, CN would provide to the City in return a high quality, weather-protected east-west pedestrian walkway in this same area which could link to Union Station and the proposed Simcoe Street pedestrian bridge.

In summary, CN Real Estate will provide lands to the City for public purposes including roads, parkland and housing sites, which 16.25 hectares (40.15 acres).

4.3 Other Land Contributions

In addition to the provision of lands for other public purposes, easements are required over and under the Rail Corridor for the extension of north-south streets and pedestrian bridges or deckings. These must be obtained from the Toronto Terminals Railway Company.

4.4 General

The specific forms of interest in the lands which will eventually come under City Control are dealt with in more detail under Section 7 of this report. Generally, because of the various forms of title that now exist in the Railway Lands, the City may not in all cases obtain freehold title. It should be stressed that in all instances the City should insist that lands provided for public purposes be as close to freehold title as possible.

5. INFRASTRUCTURE REQUIREMENTS AND COST SHARING:

In the report certain principles were set out with respect to the sharing of expenditures related to public infrastructure. The report states:

> "In general, it is assumed that Metro will have jurisdiction over the extension of existing Metro roads and services through the Railway Lands, and that the City will have jurisdiction over the extension of its new and existing facilities. Existing Metro facilities include Bathurst Street, Spadina Avenue, York Street, and the

Lakeshore/Gardiner corridor. Responsibility for the extension of Front Street west of Bathurst Street will be reviewed. City facilities would include The Esplanade West, the Portland and Simcoe Street extensions, a portion of Lower Bay Street, and the improved John (Rees) Street. In the case of all of the existing and proposed streets, a quality of streetscape design comparable to that being established elsewhere in the Downtown should be required.

It is further assumed that where the extension of existing public facilities or the creation of new facilities primarily serves the needs of the development, the costs of the installation of such facilities will be borne by the development. Where broader public purposes are served, the appropriate level of government or public agency will be expected to contribute. Where new facilities serve a dual purpose, some form of cost sharing is anticipated.

Similar principles respecting the allocation of responsibility and costs should apply to the provision of utilities and parks within the Railway Lands. In particular, lands required for parks should be conveyed to the City for dedication as parkland."

On November 3, 1983 a Cost and Benefits Analysis of the Proposed Railway Lands was submitted to the Land Use Committee. The document outlined, from a City of Toronto standpoint, the costs and benefits which will accrue as a direct result of the Railway Lands Development.

In this analysis, it was estimated that the total cost of new and upgraded streets, utilities and parks associated with the Railway Lands development would be in the order of $80 million. Of this total the City of Toronto's share was estimated to be $18 million. In terms of the timing of contributions it was anticipated that 50% of the commitment would be expended between 1986-1991, with the remaining 50% to be expended by the year 2006.

Over the months subsequent to the submission of the Development Concept report and the Cost and Benefits Analysis, extensive meetings involving City staff from the Departments of Planning and Development, Public Works and Parks and Recreation and representatives of CN Real Estate, Marathon and more recently Canada Post, have been held. The objective of these meetings has been to translate the principles set out in the Development Concept and Cost and Benefits document into a more detailed understanding of the respective obligations of the City and the landowners.

Based on these negotiations substantial agreement has now been achieved on cost sharing formulae for the basic elements of public infrastructure, consistent with City policy, the principles set out in the Part II concept and the order-of-magnitude estimates set out in the initial document on Costs and Benefits.

All streets and utilities will be developed to appropriate city standards acceptable to the Commissioner of Public Works. In addition, streets will be designed to incorporate substantial public amenities including high quality lighting, large street trees, attractive sidewalks and furnishings.

With respect to parks and public open space, these lands will either be dedicated to the City, made accessible via easement agreements, leased on a long term basis or secured through some other appropriate legal device.

Construction of the parks system within the Railway Lands will proceed in tandem with development. It is anticipated that the first component of the system will go forward with the construction of the covered stadium.

In this regard we have discussed with the Railways a phased construction approach for the major parks in the Railway Lands, particularly the large Central Park and Tower Park. Our strategy would make the land owner responsible for any demolition, rough grading and soil removal. The City would then become directly involved and would undertake the preliminary landscaping of the park. At the appropriate time the land owner would then take over and would assume responsibility for final development and landscaping.

Despite the substantial agreement achieved, there remain three areas where the City staff position has not been agreed to by one or more of the landowners. These are:

(i) the responsibility for the cost of establishing the required grades for The Esplanade West;

(ii) the responsibility for sanitary sewers and watermains in The Esplanade West; and

(iii) the requirement for a developer contribution to the landscaping of the major central park.

Table 1 sets out the details of the proposed cost sharing arrangements, including the City staff position on the only three remaining areas of disagreement. These three areas are discussed in more detail below.

Table 1

Cost Apportionment of Infrastructure Elements

Item No.	Description	CN Contribution	Marathon Contribution	City Contribution (6
1.	Front St.			100%
2.	Bay St.			100%
3.	Portland St.	50%		50%
4.	Peter St.	50%		50%
5.	Lower John St.	25%	25%	50%
6.	Lower Simcoe St.		100%(1)	
7.	Simcoe St. Tunnel			100% (1)
8.	Esplanade	66.6%(3)	66.6%(3)	33.3%
9.	Local Streets	100%(2)	100%(2)	
10.	Pedestrian Bridges or Tunnels from private development to private development	100%(2)	100%(2)	
11.	Pedestrian Bridges or Tunnels from Public space to public space	50%(5)	50%(5)	50%(5)
12.	Community Park at Bathurst-Esplanade			
	- on grade portions	100%		
	- decked or bridge portions over tracks	50%		50%
13.	Tower Park - John Street Corridor	75%(4)		25%
14.	Central Park		75%	25%
15.	Open Space Corridors	100%(2)	100%(2)	
16.	Union Plaza		100%	
17.	CN Plaza (West of Stadium)	100%		
18.	Development oriented Public Open Space	100%(2)	100%(2)	

(1) This arrangement is predicated on a re-arrangement of the original 50/50 sharing for Simcoe Street, separating out the tunnel as a city responsibility subject to the following:

a) that cost sharing is approximately equivalent to the 50-50% method with an agreed upon mechanisms for adjustment if this should not be the case;

b) that there be a suitable agreement re co-ordination of staging - e.g. that Marathon agree to construct the

Esplanade from York to Simcoe when the city constructs the Simcoe tunnel.

(2) Percentage shown is only relevant to elements falling within particular land owners holdings.

(3) In the case of The Esplanade fronting the Canada Post property, Canada Post are responsible for a 33.3% share for this frontage with Marathon responsible for 33.3% and the City for the remaining third.

(4) CN Real Estate percentage may include some funding from the CN Tower Corporation. The bridge - "link" portion of this park will be on a 50-50 basis as per Item 11.

(5) Where such connections are developed commercially, the rationale for the City's contribution will be assessed on a case by case basis.

(6) The City will contribute its fair share - pro rata - to infrastructure and improvements to lands to be provided to it for housing purposes.

5.1 Regrading

In the Railway Lands Part II: Development Concept appropriate grade levels for future development were outlined. To establish these grade levels the railways will need to regrade portions of their landholdings. It is the position of City staff that the form of cost sharing approved for utilities, pavements, etc. should not apply to the general regrading of the Railway Lands, but that these regarding costs be borne by the developer. The costs of regrading are land preparation costs not unlike demolition, rail relocation, etc., and, like these other costs, should not be cost shared. This position has not, however, met with the concurrence of CN and Marathon who have argued that a grade separated road system, though unacceptable to the City, would have been less expensive in terms of site preparation.

5.2 Sanitary Sewers and Watermains.

The principles outlined in the Development Concept suggest that the City share in the cost of infrastructure only where this infrastructure serves a wider public purpose, and not simply the development.

In the case of sanitary sewers and watermains, it is the City staff position that these services are necessary solely to support the proposed development. Because of this, City staff has argued that there is no rationale for the City participating in the

funding of these items, except in the case of services necessary for the development of lands to be provided to the City for housing purposes. Canadian National has argued that these items are part of the overall road structure and should be eligible for cost sharing.

5.3 Central Park

City staff have proposed that the cost of developing the park should reflect the 75-25% formula. Marathon Realty has argued that its contribution to the parks system should not extend beyond the transfer of the land itself. However, the land exchanges are the basis for the creation of the park, but its development is a separate matter and subject to appropriate cost sharing arrangements.

Furthermore, in all previous discussion and documentation on this issue City staff have consistently proposed a cost shared approach on an overall 75%-25% basis, an approach that CN Real Estate has agreed to for the parks proposed on its holdings. In our view, participation by Marathon on a similar basis would be equitable and necessary to achieve the objectives set out in the Part II Plan.

The areas of disagreement under items 5.1 and 5.2 above are relatively minor in financial terms in comparison to the overall level of agreement. With respect to Item 5.3, which deals with the Central Park, the impact is very substantial. As stated we have argued that the City should contribute 25% of the total cost of constructing the Central Park; leaving Marathon with an obligation for parks development which is of a comparable order of magnitude to that of CN Real Estate.

5.4 Cost Sharing Summary - Overall and Specific Component Apportionment

The proposal of an overall 75-25% cost sharing arrangement with the City is reasonable, subject to the resolution of items 5.1, 5.2 and 5.3 above. Table 1, based on the staff positions set out above, reflects City policy and the overall 75%-25% formula discussed during public meetings on the Development Concept.

In arriving at the 75%-25% formula, consideration was given to the previous City policy respecting local services and to the fact that certain facilities serve a larger area than the Railway Lands. It should be noted that the 75-25% formula represents the overall level of contribution by the proponents and the City. In actual practice, different components of infrastructure will be funded at different rates. These specific rates will be

commensurate with the level of overall public benefit derived, and will be established in precinct-level agreements.

For local streets CN Real Estate and Marathon Realty will pay the entire cost of construction, since these streets serve only the development. The Esplanade West will be funded on a 33% City, 66% railway basis. The logic here is that The Esplanade West, while primarily servicing development, will also provide access to and from the Central Core. North-south streets, such as the Portland Street extension, will be financed on the basis of a 50-50% division of costs. A larger percentage of the cost of these streets is recommended for the City in view of the City's long-standing objective of creating new connections between Front Street and the Central Waterfront. CN Real Estate and Marathon Realty have been encouraged to make as many north-south connections as is physically possible. The most direct public benefit to be derived from these connections is much improved public access between the existing built up areas north of Front Street and Queens Quay. Because of these substantial benefits the 50-50 cost apportionment is considered appropriate.

With respect to pedestrian access over the rail and Gardiner-Lakeshore corridors, the following logic applies. Where bridges link public open space to public open space the City will share 50% of the total cost. Where bridges link and service private spaces the City will not participate.

A final report on the apportioning of infrastructure costs for the Railway Lands will be submitted concurrent with the Final Report on the Part II Plan and Implementation Strategy.

Agreements regarding cost sharing constitute a major element entering into calculations of cost-benefit. City Council has requested that a revised cost-benefit analysis be submitted in conjunction with the Part II Plan (Referral No. 8, Appendix I). Such a revised cost-benefit analysis would appropriately reflect the final determination of cost shares, as well as the precise scheduling of infra-structure costs. As noted above, agreements have been reached with the railways regarding the sharing of costs for most infrastructure elements. These agreements are substantially in line with the overall 75-25 formula. However, as was also indicated above, one major element (improvement to the Central Park) remains unresolved; additionally, there are some minor items which require solution.

It should also be noted that arrangements respecting the scheduling of infrastructure costs are still being finalized. As a consequence of these circumstances, the revised cost-benefit analysis requested by Council cannot be completed at present. As soon as the presently unavailable pieces are in place, revised

cost-benefit estimates will be submitted to Council. It is expected that this will take place prior to consideration by the Land Use Committee of the Final Report on the Part II Plan and Implementation Strategy.

We also anticipate that Metro will negotiate arrangements based on similar principles of proportionate use with CN Real Estate and Marathon Realty regarding infrastructure improvements to Metro facilities such as a new Spadina Bridge and improvements to Bathurst Street and York Street.

6. PHASING OF DEVELOPMENT:

The proposed Part II Plan outlines a general phasing strategy for the Railway Lands which involves the removal of a "holding" zoning status of by-laws on a precinct by precinct basis. The various precincts are outlined on Map E attached to and forming part of the proposed Part II Plan. The process for the removal of the "holding" status is outlined in Section 3 and in Figure 2 of this report.

In addition, the redevelopment of the Railway Lands area depends upon the City's participation in the servicing of the Lands and in the land transactions discussed in Section 4 of this report. This City involvement will provided additional City control over the phasing of development.

6.1 Phasing of Housing Production

As outlined in the Part II Plan, most precincts include a residential component. In addition, it is proposed that the City be provided with approximately 5.5 hectares (13.6) acres of land for housing purposes. Since these lands will fall within more than one precint, the production of the housing potential allocated to the Part II Plan, to some extent, will be City controlled. The provision of lands for City housing purposes will be reported on in more detail in conjunction with the proposed Memorandum of Conditions.

6.2 Phasing of Parks, Open Spaces and Pedestrian Linkages

The phasing of parks development is also somewhat City-controlled as a result of the City's cost-sharing obligations. The publicly accessible open spaces and pedestrian walkways will normally be dealt with during the Precinct Plan process and ensuing agreements will address their timing of their construction.

7. OTHER IMPLEMENTATION MATTERS:

7.1 Land Ownership and Property Rights

The Railway Lands are held in various forms of title, including:

(i) The leasehold interest of CP Limited on lands owned in freehold by the Toronto Harbour Commissioners;

(ii) the freehold and leasehold interests of Canadian National;

(iii) the freehold and leasehold interests of the Toronto Terminal Railway Company;

(iv) the freehold interest of the City of Toronto;

(v) the freehold interest of the Canada Post Corporation; and

(vi) various interests held by other parties including Metropolitan Toronto.

7.2 Interests in Existing Roads

The right of way for existing Metropolitan roads (Bathurst Street, Spadina Avenue, York Street and Yonge Street) are held by a combination of title arrangements. The City of Toronto has interest in Bay Street which runs through the Railway Lands.

7.3 Proposed Public Streets

The proposed primary street system and conceptual secondary street system is outlined on Map B of the proposed Part II Plan.

In order to achieve this primary street system, the various patterns and forms of land interests must be considered.

In essence, the City is to obtain rights-of-way for public streets and other municipal facilities (water supply, sanitary and storm sewers, hydro, etc.) through a variety of legal mechanisms, including:

(i) Freehold;

(ii) Leasehold; and

(iii) Easements over and under lands controlled by the Toronto Terminal Railways (Rail Corridor).

The recommended approach for obtaining the necessary rights-of-way for public streets is one which ensures that these City interests, both by their terms and length of tenure, be as close as possible to freehold.

The normal method of obtaining public rights-of-way is by conveyance by the developer to the City in fee simple or freehold. However, during the processing of the Metro Centre Part II Plan in the early 1970's, it was recognized that the normal fee simple rights-of-way may not be practical or achievable, given the complex land ownership and land interests in the Railway Lands area. At that time, the City of Toronto sought and obtained a private Act from the Ontario Legislature which allowed the City to obtain rights-of-way in the Railway Lands area by means of leasehold interest. Section 16(3) of the City of Toronto Act, 1971, allows for this leasehold interest for public rights-of-way. Where required, it is proposed to use this power in implementing the proposed Part II Plan.

7.4 Proposed Land Contributions for Parks, Housing and Pedestrian Purposes

The lands proposed in the Part II Plan to be provided to the City for parks and housing purposes must also respect the complexity of land interests in the area.

7.4.1 Parkland and Pedestrian Linkages

Although some portion of the Major Parkland Area south of the CN Tower is owned by CP, the majority is held by CP in the form of a perpetually renewable leasehold interest. The fee is owned by the Toronto Harbour Commissioners. The other park areas are controlled by CN. In general, the City will obtain interest in the major parkland areas and open space by conveyance or leasehold. The leasehold interest should be as close as possible to freehold in both terms and length of tenure.

The parkland areas and pedestrian linkages which traverse the main Rail Corridor will be secured in the form of leasehold, easement or other interest acceptable to the City.

7.4.2 Housing Sites

The lands to be provided to the City for housing purposes must also respect the existing interests in the Railway Lands. It is proposed that these housing sites be provided in fee simple where possible. If fee simple cannot be secured, then a leasehold interest, which is as close as possible to freehold, is considered satisfactory.

7.5 Union Station

The ownership of the land on which Union Station is situated is largely held in freehold by the City of Toronto. The Toronto Terminal Railways have a ground lease on the City lands, the lease

rate of which is set every 21 years. At present, the parties are arbitrating the rental rate for the 21 year period begining in 1968. City Council has requested the Commissioner of Property to report on the status of these negotiations. This report will be forwarded in the near future (Recommendation 9, Appendix I).

7.6 Interest in Lands west of Spadina Avenue

The Land Use Committee referred the following motion to the City Solicitor for report, in consultation with the Commissioner of Planning and Development:

> "Council recogizes that it holds important rights to much of the land south of Front Street between Spadina and Bathurst Streets, and that these rights will have to be expunged prior to any development of these lands. Accordingly, the Executive Committee is hereby authorized to retain appropriate experts to determine the value of these rights and report thereon to City Council prior to any Part II Statement being developed for these lands."

Prior to February 26, 1975, proceedings were brought by the Attorney General for the Province of Ontario under the Quieting of Titles Act for a determination that the Crown in right of Ontario was the absolute owner in fee simple of the lands bounded by Bathurst Street, Spadina Avenue, Front Street and Lakeshore Boulevard. The parties to the proceedings were the Attorney General for the Province of Ontario, the Federal Government, the Canadian National Railways and the City of Toronto.

In early 1975, Mr. William Herridge, Q.C., of the firm then known as McTaggart, Potts, Stone & Herridge, was retained to represent the City for purposes of determining the nature and value of the City's interests.

Prior to 1979, the City appeared to be receiving full co-operation from the Provincial Attorney General's Department. The position of the Attorney General was less adverse to the City's position than the position of the Attorney General of Canada who asserted that the Province ought not to have granted the license in the first place.

In January of 1979, the GO Transit authorities wanted space from the CNR at Spadina and Front. GO-Transit was interested in acquiring an 8-acre site without payment of right. Subsequently, an agreement was reached between CN and GO-Transit (the Province) whereby the existing GO-Transit yards were acquired by the Province. Shortly thereafter, in 1980, both the Province of Ontario and the Federal Government effectively conveyed or

released all rights that either of them may have had in the CN lands.

Since that time, the City has not made any effort to revive the Quieting of Titles proceeding. The current question is whether or not the letters patent granted by the Province of Ontario to CN and the Quit Claim deed from the Federal Government to CN have effectively terminated the original license of occupation granted by the Province of Ontario to the City of Toronto.

Without going into further detail about a very complex legal matter, approval of the Part II will not extinguish or eliminate any rights the City may have in the area. It is recommended that this matter be dealt with further when reporting in final on the Railway Lands Part II Plan.

The lands referred to in this section are described as "CN (Title in Dispute)" on Map 2.

7.7 CN High Line Freight By-Pass

Of significant importance in the realization of the Railway Lands redevelopment is the consolidation of railway uses, including freight rail uses, in the Rail Corridor, as depicted on Map C of the proposed Part II Plan.

Without the consolidation of the existing High Line into the proposed Rail Corridor, redevelopment to the east of John Street and west of Spadina Avenue is difficult, if not impossible, to achieve in any satisfactory manner. In particular, the existing High Line has serious impacts on the redevelopment of lands controlled by Marathon Realty, Canada Post Corporation and the proposed City housing site in South Downtown High Density Mixed Commercial-Residential Area A.

Given the importance of the consolidation of the High Line into the main Rail Corridor, arrangements must be made between CP Rail and CN Rail to ensure that this consolidation takes place at an early date. With the completion of the new VIA Rail Maintenance Yard in Mimico, which is anticpated in 1986, there appears to be little standing in the way of an early relocation of the existing High Line. The Railway Lands Steering Group has carried out a High Line Relocation Study which both CN and CP Rail have endorsed in principle. This Relocation Study is consistent with the Part II Plan, and the necessary agreements to provide for its implementation should be prepared as soon as possible.

8. CONCLUSION:

RAILWAY LANDS PART II: APPENDICES

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPT.
STEPHEN G. McLAUGHLIN, COMMISSIONER

March 1985

This report has described the elements of the comprehensive implementation strategy proposed for the development of the Railway Lands. As recommended in the covering report entitled Railway Lands Part II Plan: Proposals; Railway Lands Part II: Implementation Strategy, this report, along with the Part II: Proposals report, will be circulated for review by the public and the other levels of government and agencies involved in the development of the Railway Lands. A public meeting will also be held to discuss the proposed Part II Plan and Implementation Strategy.

Following this circulation process and the holding of the public meeting, a Final Report will be submitted which will include a draft by-law to give effect to the Part II Plan, draft implementing zoning by-laws and a Memorandum of Conditions, all as described in Section 3 of this report. The process for dealing with these matters is summarized in Figure 1.

The development control mechanisms which are an essential component of the proposed implementation strategy are summarized in Figures 2 and 3 of this report. The recommended apportionment of the infrastructure costs is summarized in Table 1. This table includes recommended City positions on the only three remaining areas of disagreement with CN Real Estate and Marathon Realty, and will provide the basis for the cost-sharing principles to be included in the proposed Memorandum of Conditions.

APPENDIX 1

Recommendations: As Adopted by City Council on December 15 and 16, 1983.

1. That City Council endorse the Railway Lands Part II Development Concept as:

   (i) a framework for the resolution of outstanding issues; and

   (ii) a basis for the development of a comprehensive implementation strategy, dealing with matters such as land exchanges and conveyances; community services, including public health and library facilities; the application to the Railway Lands of development control tools and the preparation of the necessary by-laws established by The Planning Act, including a Part II Official Plan, Zoning By-law and Section 40 Review, a phasing plan; and agreements respecting responsibility for the provision of infrastructure and the sharing of infrastructure costs.

2. That City Council advise the relevant Metro Committees and Metro Council of its endorsement of the Development Concept as described in Recommendation No. 1, and request that the necessary transportation improvements, as discussed in my report on the Metro/TTC Central Waterfront Transportation Study, as adopted by Council, be expedited.

3. That in pursuing the resolution of outstanding issues and the development of a comprehensive implementation strategy particular attention be given to the following objectives:

   (i the provision of an increased amount of housing, particularly housing for low and moderate income groups while endorsing the Conclusion set out in this report (i.e., the report of November 28) respecting the level of non-residential development proposed in the Development Concept, as summarized in Table 1 and as designated on Map 4;

   (ii) a phasing plan which relates the development of residential to non-residential uses and ensures that, to the extent possible, each phase of development includes a residential component, including the phasing of the Bathurst/Spadina Neighbourhood; and

   (iii) cost of all City facilities (to current City standards) to be contributed to by the developer, to the extent that such facilities primarily serve the needs of the development.

4. That it is Council's desire that inter-city rail passenger service be maintained.

5. That it is Council's intention to reduce as much as possible the barrier effects of the railway tracks.

6. That Council recognizes the number of commuters who now use GO Transit and the unfortunate effect on the City if these riders entered the City by car. Accordingly, Council does not wish to take any steps which would prejudice existing GO Transit service.

7. That it is the City's objective to achieve development which is energy efficient, including, where appropriate, the use of district heating and cooling.

8. That a revised analysis of the City of Toronto's Costs and Benefits with respect to the Railway Lands Development be included in the Development Concept.

9. That the Commissioner of City Property be requested to report to City Council at the time the Development Concept is being considered on the status of negotiations regarding rent for the Union Station site.

10. That the following departments and agencies be requested to comment to the Commissioner of Planning and Development on their capital and operating cost implications of the proposed Railway Lands Development:

    - Fire Department
    - Board of Commissioners of Police
    - Metropolitan Community Services Department
    - Department of Public Health
    - Toronto Transit Commission
    - Metropolitan Roads and Traffic Department
    - The Metropolitan Works Department

11. That the Commissioner of City Property, in consultation with the City Solicitor and the Commissioner of Planning and Development, be requested to report on the value of City of Toronto lands in the Railway Lands, including the value of any City of Toronto rights which may be associated with lands not under the City's ownership and on the value of the lands to be acquired by the City.

12. That the Commissioner of Planning and Development, in consultation with the Commissioner of Parks and Recreation and the City Solicitor, report on a policy which would permit the recovery of some or all of the costs associated with the provision of parks and other recreational facilities on public land in association with the development of the Railway Lands.

13. That, whereas Council considers it vital to achieve at a minimum the assisted housing targets proposed in the Development Concept; and whereas the participation by the senior governments will be required in order to build any assisted housing; and whereas there is growing concern that senior governments are considering winding down current assisted housing programs; therefore be it resolved that Council urge the Federal Minister responsible for Canada Mortgage and Housing Corporation, and the Provincial Minister of Municipal Affairs and Housing, to maintain current programs and develop new programs in consultation with third sector housing providers to provide much needed assisted housing.

14. That the Commissioner of Housing report on ways that the assisted housing targets in the Railway Lands might be achieved, bearing in mind the housing needs of the citizens of Toronto as demonstrated by the Cityhome Waiting List.

15. That, in endorsing the Railway Lands Part II: Development Concept, Council is not endorsing the construction of any new expressways, but is reaffirming its support for only those transit and road improvements set out in the "Response to Metro/T.T.C. Central Waterfront Transportation Study", adopted by City Council at its meeting of October 31 and November 4, 1983.

16. That the Commissioner of Planning and Development report further on ways to encourage the shift from auto to public transit, which is called for in the Central Waterfront Transportation Study.

17. That the Medical Officer of Health, or his representative, be invited, where appropriate, to attend meetings of the Railway Lands Steering Committee.

18. That the Commissioner of Planning and Development, in consultation with the appropriate authorities, report on an appropriate process for dealing with the environmental considerations identified in Section 2.3.7 of the Railway Lands Part II: Development Concept report, using the Development Concept as a basis.

19. That the following motions be referred to the Commissioner of Planning and the Medical Officer of Health for further report prior to the submission of the Part II Plan:

    (i) City Council express its intention to request with a full and formal Environmental Assessment Process for the Railway Lands Development, re:

        (a) Run-off patterns of storm water, which may result in an increased load on storm sewers and more frequent overflows and direct discharges into Lake Ontario.

        (b) Proposed sewage treatment facilities.

        (c) The effect of road salt from the Gardiner Expressway on vegetation and structures.

        (d) Disposal of contaminated soil excavated from the area.

        (e) Possibility of ground water contamination during excavation due to the high water table.

        (f) Noise and vibration problems originating from rail and vehicular transportation.

(g) Stresses on existing hospital services and other public services.

(ii) Whereas the Consultants' report by Dr. R. E. Munn, D. R. Pushchak and Dr. P. H. Byer, from the Institute for Environmental Studies, University of Toronto, states that the "atmospheric loading total suspended particulate matter already exceeds the Ontario criterion on a significant number of days (20-40%) in the Railway Lands, attention will need to be given to controlling particular emissions caused by construction, especially in dry windy weather; and

"Vehicular traffic will increase - projected 24% on the Gardiner Expressway and 22% on Lake Shore Boulevard; railway traffic will decrease; stop and go situations will increase with an increase in poor air quality.

"Air exchanges in the residential/commercial sector at the west and may be impeded resulting in a pollution "bowl" effect."

Therefore, be it resolved that the Medical Officer of Health, in consultation with other appropriate officials, be requested to report further to the Local Board of Health and City Council on:

(a) Measurements of concentrations of total suspended particulates (TSP) and its respirable fraction at appropriate indoor locations close to the Gardiner Expressway or in second storey apartments above shops on heavily travelled Toronto streets.

(b) A "box" model being applied to the Railway Lands situation with respect to light wind episode situations lasting several days, the objective being to estimate the build-up of pollutants in the area.

(c) A dispersion model being applied to the Railway Lands, giving special attention to (a) stop-and-go situations on the Gardiner expressway with light southerly winds; and (b) spills of hazardous materials on the Gardiner with light to moderate southerly winds.

20. That, prior to the discussion of the Part II Plan for the Railway Lands by City Council, the Commissioner of Planning and Development provide as full as possible an account of the costs and benefits of the proposed plan, if implemented, to the Metropolitan Corporation, to the Public and Separate

School Boards, and to other agencies that Council might want to take into account in discussing the overall costs and benefits of the Part II Plan.

21. That the Special Solicitor retained by City Council for the Railway Lands be requested to be the agent defending the City's property and interests in respect to the Railway Lands.

22. That the following concern be considered in developing the Railway Lands Part II Plan and Implementation Strategy and be reported thereon at the time the Railway Lands Part II Plan is recommended to City Council.

"The Gardiner Expressway be relocated to an area immediately south of the Rail Corridor."

23. That whereas the Burton Post Report, presented to the Canadian Transport Commission Railway Transport Committee, in May of 1983, recommended:

"1. That consideration be given to diverting the flow of special dangerous commodities off the Galt and North Toronto Sub-divisions of C.P. Rail, and re-routing them along the York Sub-division of C.N.R., such re-routing will require the making of some new connections between C.N. and C.P. tracks. The feasibility of this re-routing should be examined as a matter of urgency by the Canadian National and Canadian Pacific Railways.

"2. The re-routing of special dangerous commodities would substantially reduce the present level of risk, but it is only a palliative and temporary measure. It is suggested that the interested parties initiate an examination of the possibility of railway relocation so that new routes may be provided to permit the transport of dangerous commodities around population centres.";

and whereas the Municipality of Metroplitan Toronto Council unanimously endorsed the objectives of the Burton Post Report (May 1983); and whereas, in light of the 1979 Mississauga rail disaster and the 1982 Hedonte Township rail accident it has become clear that there is no effective method of evacuation for the densely populated area of the City of Toronto should such a derailment occur here; and whereas the speed limit for the transportation of dangerous commodities through the City of Winnipeg has already been reduced to 25 m.p.h. by C.P.R.; therefore be it resolved:

1. that prior to the adoption of a Part II Plan for the Railway Lands, the Railway Companies be requested to provide City Council with a report on the proposals that special dangerous commodities, (including empties) be diverted off the Galt and North Toronto Sub-divisions of C.P. Rail and be re-routed along the York Sub-division of C.N.R.

2. That the Canadian Transport Commission be urged to introduce regulations, through the Minister of Transport Canada, that railway trains carrying those special dangerous commodities, (including empties), be required to travel through the downtown core and the Galt and north Toronto Sub-divisions of C.P. Rail at no more than 25 m.p.h. since this is technically and economically feasible.

APPENDIX 2

Land Use Committee Referrals to City Council
(Clause 1, Land Use Committee Report No. 1)

The Land Use Committee directed that the following concerns be considered in developing the Railway Lands Part II Plan and Implementation Strategy and be reported on at the time the Railway Lands Part II Plan is recommended to City Council.

1. It is Council's desire to ensure that inter-City rail passenger service is improved. Further, that adequate rail capacity will be ensured so that inter-city passenger service can continue at present levels and so that Windsor/Quebec Rail Corridor can be improved in order to increase service levels.

2. It is Council's intention that the south side of Front Street be made a mixed commercial/industrial area.

3. It is Council's objective that a bus terminal be established in conjunction with the rail terminal operating at Union Station. To this end, Council will seek the participation of Federal and Provincial Governments in helping to fund this terminal. The terminal will be well integrated with any transportation interchange between rail and public transit using the Union Station rotunda as a central focus.

4. It is City's objective to achieve development which is energy efficient, including the use of district heating and cooling.

5. Council recognizes the significant barrier effects posed by the Gardiner Expressway between Bathurst and Jarvis Streets. It is Council's desire to reduce these barrier effects to a minimum so that areas south of the rail corridor to the Toronto Bay can be better integrated into the City proper. It is recognized that the cost of burying the Gardiner Expressway in its present location is expensive and the cost of relocating this roadway is also quite expensive. Accordingly, it is Council's wish that the Commissioner of Planning and Development report on the Gardiner Expressway between Bathurst and Jarvis Streets being dismantled so that there will be no through expressway in downtown Toronto between Bathurst and Jarvis. In order to reduce the effects of commuter traffic (now using the Spadina, York/Bay, and Jarvis ramps from the west, and Jarvis and Yonge ramps from the east), Council would take steps to erect appropriate garages for commuter parking at the terminus of the Gardiner Expressway at Bathurst Street and the terminus of the Gardiner Expressway at Jarvis Street. Council recognizes the difficulty of achieving the dismantling of the Gardiner Expressway, but given the importance of its

removal, Council will work in good faith with Metro officials to review this change.

If Metro officials are of the opinion that the protection of a through right-of-way in the central part of Toronto is a matter of such grave importance that it cannot be dispensed with, then City Council will immediately take steps to remove all ramps between Bathurst and Jarvis in order to protect the rights of this through traffic while ensuring that commuter traffic park in the garages proposed at Bathurst and Jarvis Streets.

6. It is recognized that over the last decade there have been two pressures respecting the increase in the amount of office space in the downtown area: the limits of the transportation system; and the desire to restrict single-use areas and introduce mixed uses (including both residential and hotel uses) in order to ensure street activity during the evening as well as during the daytime. Recognizing these two pressures, it is Council's desire to ensure that no further single use office areas be added to the existing financial district. Instead attempts will be made to ensure that areas being developed around the Financial District contain a mix of uses.

7. In order to help satisfy existing housing needs, it is Council's desire to encourage as much assisted housing on the Railway Lands as can be accommodated in a desirable social setting. In this regard, Council thinks it appropriate to use the St. Lawrence community as a model in both form, social and tenure mix, and accordingly, establishes the following guidelines for the housing stock in the Railway Lands.

   (a) Approximately 75% of all new housing in the Railway Lands will be municipal non-profit, non-profit co-operative, or private non-profit. The remainder will be a mixture of private rental, condominium, and freehold ownership.

   (b) A number of different housing producers will be encouraged to supply housing in projects of no more than approximately 300 units.

   (c) 25% of all assisted units will be rent-geared-to-income.

   (d) A reasonable proportion of units will be for single person's housing.

   (e) Special attention will be given to the needs of the disabled and ex-psychiatric patients.

It is recognized that an appropriate social mix must be obtained to ensure the development of a strong community.

It is also recognized that a commitment by the Canada Mortgage and Housing Corporation will be required to make such a plan a reality and in this regard Council indicate its intention to work closely with C.M.H.C. to ensure the availability of the appropriate governmental support.

8. The Railway Lands Part II include a provision for the burying of the Gardiner Expressway which protects a variety of options including, inter alia:

   - the burying of the Expressway in its current location;

   - the burying of the Expressway in areas immediately adjacent to its current location; and

   - the burying of the Gardiner Expressway in such a fashion as to eliminate local access between Bathurst and Jarvis Streets.

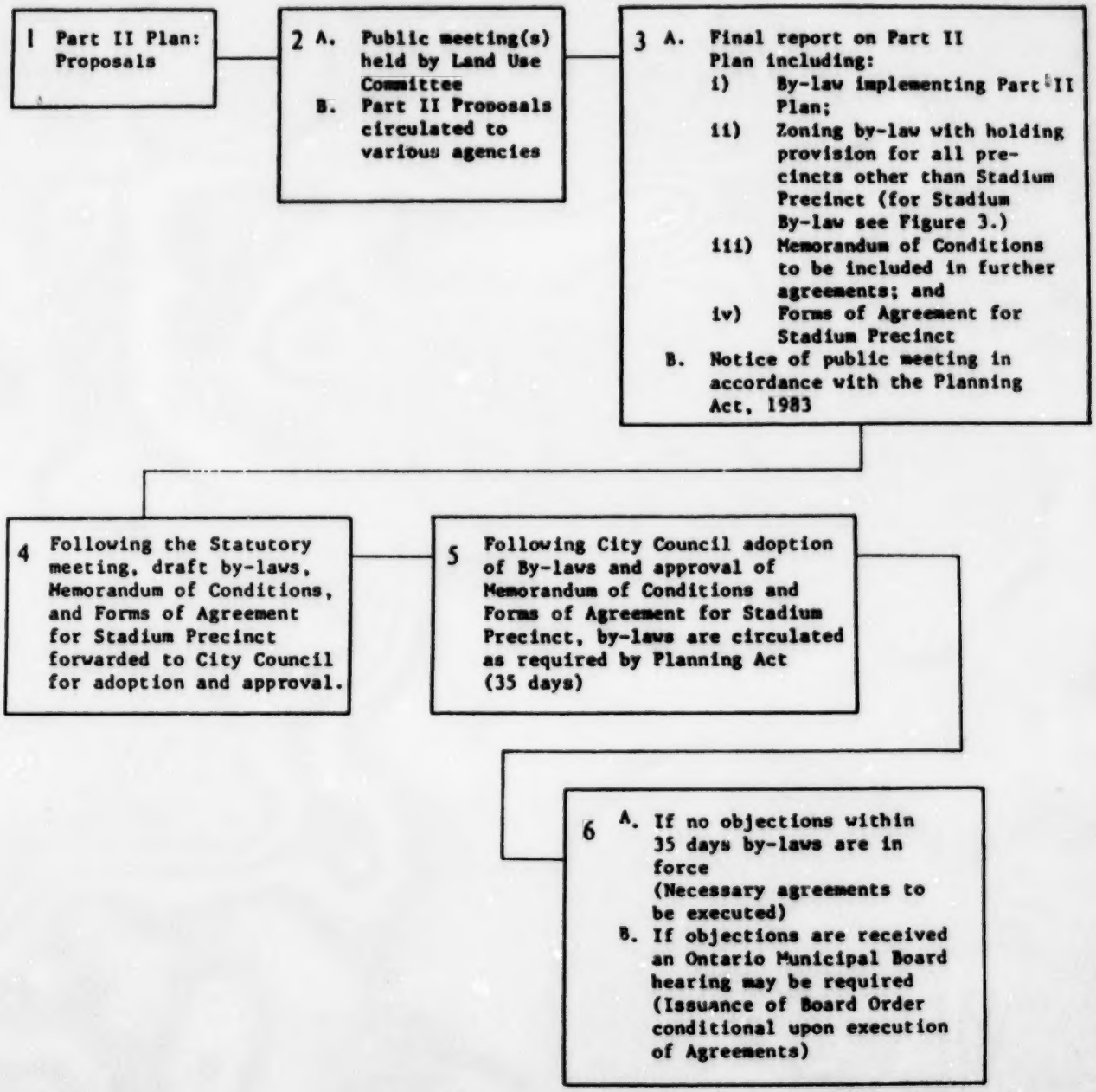
9. The Railway Lands Part II Plan be prepared in such a fashion as to achieve a minimum of 7,500 units of housing, 5,000 of which shall be provided by public non-profit, private non-profit, or co-operative housing producers.

10. The Land Use Committee also further reported having referred the following motion to the City Solicitor for report thereon, in consultation with the Commissioner of Planning and Development:

"Council recognizes that it holds important rights to much of the land south of Front Street between Spadina and Bathurst Streets, and that these rights will have to be expunged prior to any development of these lands. Accordingly, the Executive Committee is hereby authorized to retain appropriate experts to determine the value of these rights and report thereon to City Council prior to any Part II Statement being developed for these lands."

Figure 1.

Proposed Development Control Strategy: Part II Plan and Implementing Zoning By-Laws and Agreements


1 Part II Plan: Proposals
2 A. Public meeting(s) held by Land Use Committee
B. Part II Proposals circulated to various agencies
3 A. Final report on Part II Plan including:
i) By-law implementing Part II Plan;
ii) Zoning by-law with holding provision for all precincts other than Stadium Precinct (for Stadium By-law see Figure 3.)
iii) Memorandum of Conditions to be included in further agreements; and
iv) Forms of Agreement for Stadium Precinct
B. Notice of public meeting in accordance with the Planning Act, 1983
4 Following the Statutory meeting, draft by-laws, Memorandum of Conditions, and Forms of Agreement for Stadium Precinct forwarded to City Council for adoption and approval.
5 Following City Council adoption of By-laws and approval of Memorandum of Conditions and Forms of Agreement for Stadium Precinct, by-laws are circulated as required by Planning Act (35 days)
6 A. If no objections within 35 days by-laws are in force (Necessary agreements to be executed)
B. If objections are received an Ontario Municipal Board hearing may be required (Issuance of Board Order conditional upon execution of Agreements)

PROPOSED DEVELOPMENT CONTROL STRATEGY: GENERAL PROCESS FOR ALL PRECINCTS WITH HOLDING PROVISION

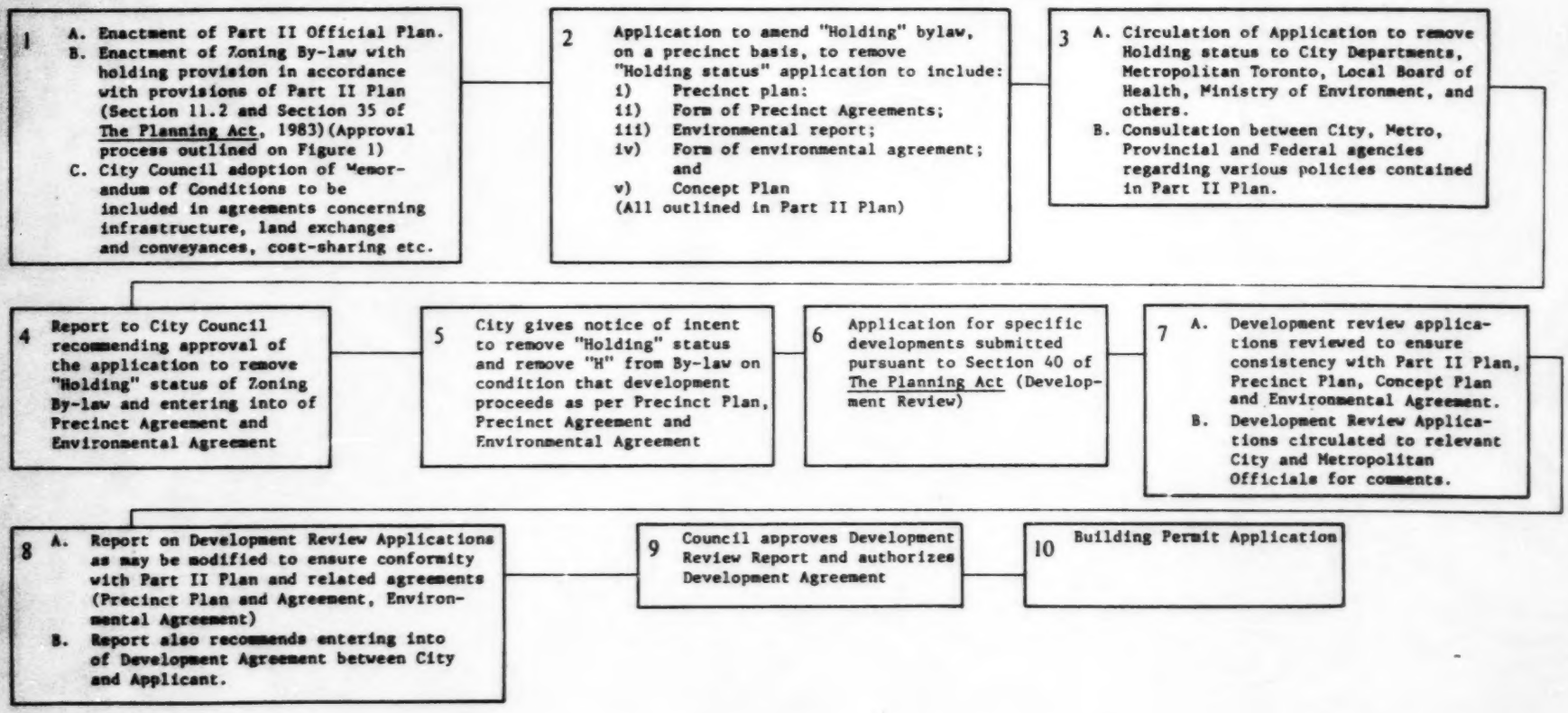

1
A. Enactment of Part II Official Plan.
B. Enactment of Zoning By-law with holding provision in accordance with provisions of Part II Plan (Section 11.2 and Section 35 of The Planning Act, 1983)(Approval process outlined on Figure 1)
C. City Council adoption of Memorandum of Conditions to be included in agreements concerning infrastructure, land exchanges and conveyances, cost-sharing etc.
2
Application to amend "Holding" bylaw, on a precinct basis, to remove "Holding status" application to include:
i) Precinct plan:
ii) Form of Precinct Agreements;
iii) Environmental report;
iv) Form of environmental agreement; and
v) Concept Plan
(All outlined in Part II Plan)
3
A. Circulation of Application to remove Holding status to City Departments, Metropolitan Toronto, Local Board of Health, Ministry of Environment, and others.
B. Consultation between City, Metro, Provincial and Federal agencies regarding various policies contained in Part II Plan.
4
Report to City Council recommending approval of the application to remove "Holding" status of Zoning By-law and entering into of Precinct Agreement and Environmental Agreement
5
City gives notice of intent to remove "Holding" status and remove "H" from By-law on condition that development proceeds as per Precinct Plan, Precinct Agreement and Environmental Agreement
6
Application for specific developments submitted pursuant to Section 40 of The Planning Act (Development Review)
7
A. Development review applications reviewed to ensure consistency with Part II Plan, Precinct Plan, Concept Plan and Environmental Agreement.
B. Development Review Applications circulated to relevant City and Metropolitan Officials for comments.
8
A. Report on Development Review Applications as may be modified to ensure conformity with Part II Plan and related agreements (Precinct Plan and Agreement, Environmental Agreement)
B. Report also recommends entering into of Development Agreement between City and Applicant.
9
Council approves Development Review Report and authorizes Development Agreement
10
Building Permit Application

Figure 2.

PROPOSED DEVELOPMENT CONTROL STRATEGY: STADIUM PRECINCT

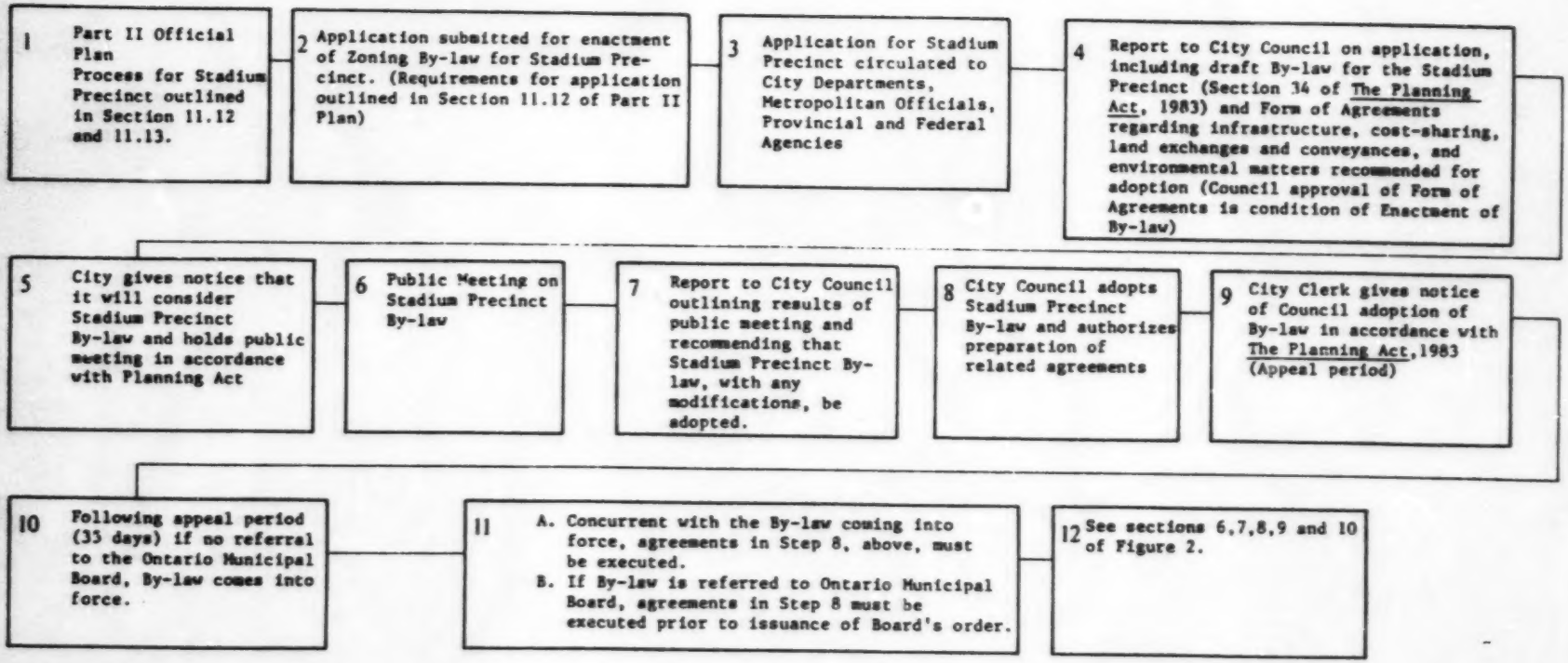
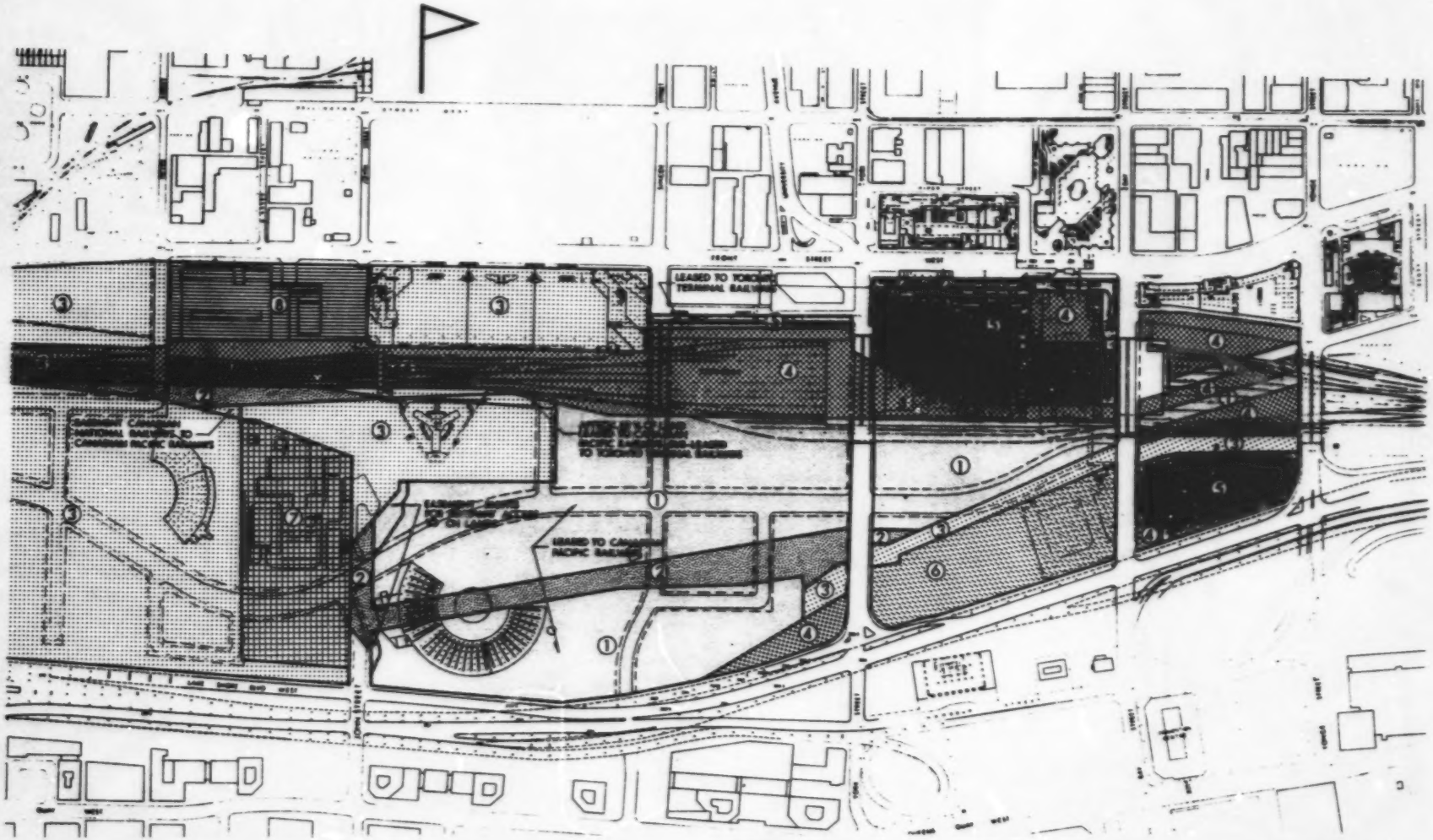

1 Part II Official Plan Process for Stadium Precinct outlined in Section 11.12 and 11.13.
2 Application submitted for enactment of Zoning By-law for Stadium Precinct. (Requirements for application outlined in Section 11.12 of Part II Plan)
3 Application for Stadium Precinct circulated to City Departments, Metropolitan Officials, Provincial and Federal Agencies
4 Report to City Council on application, including draft By-law for the Stadium Precinct (Section 34 of The Planning Act, 1983) and Form of Agreements regarding infrastructure, cost-sharing, land exchanges and conveyances, and environmental matters recommended for adoption (Council approval of Form of Agreements is condition of Enactment of By-law)
5 City gives notice that it will consider Stadium Precinct By-law and holds public meeting in accordance with Planning Act
6 Public Meeting on Stadium Precinct By-law
7 Report to City Council outlining results of public meeting and recommending that Stadium Precinct By-law, with any modifications, be adopted.
8 City Council adopts Stadium Precinct By-law and authorizes preparation of related agreements
9 City Clerk gives notice of Council adoption of By-law in accordance with The Planning Act,1983 (Appeal period)
10 Following appeal period (35 days) if no referral to the Ontario Municipal Board, By-law comes into force.
11 A. Concurrent with the By-law coming into force, agreements in Step 8, above, must be executed.
B. If By-law is referred to Ontario Municipal Board, agreements in Step 8 must be executed prior to issuance of Board's order.
12 See sections 6,7,8,9 and 10 of Figure 2.

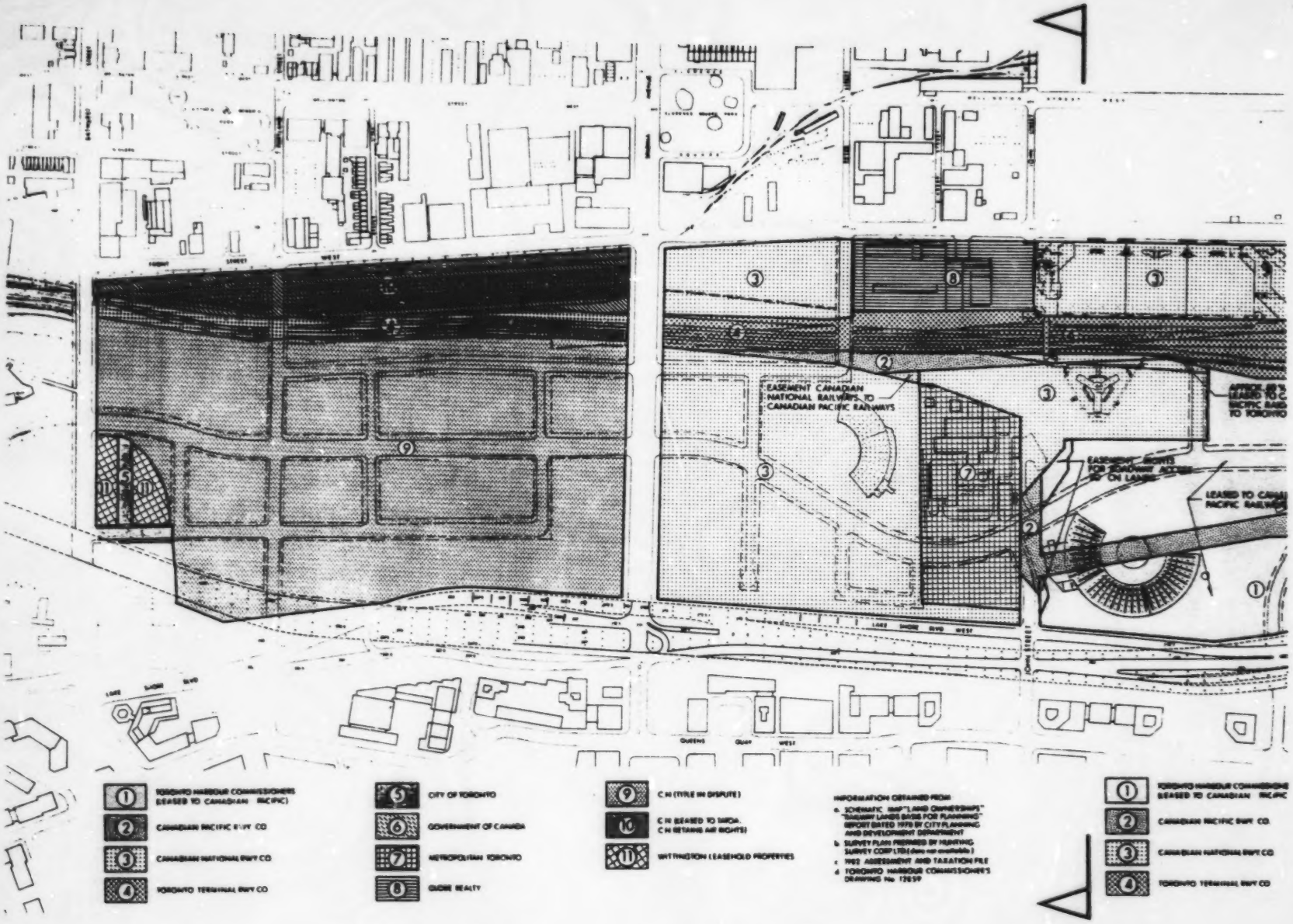
FIGURE 3.



LAND OWNERSHIP

MAP 1 OF 2

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G McLAUGHLIN, COMMISSIONER MARCH 1985


EASEMENT CANADIAN NATIONAL RAILWAYS TO CANADIAN PACIFIC RAILWAYS
LEASED TO CANADIAN PACIFIC RAILWAYS
LAKE SHORE BLVD WEST
QUEENS QUAY WEST
JOHN STREET
1 TORONTO HARBOUR COMMISSIONERS LEASED TO CANADIAN PACIFIC
2 CANADIAN PACIFIC RWY CO
3 CANADIAN NATIONAL RWY CO
4 TORONTO TERMINAL RWY CO
5 CITY OF TORONTO
6 GOVERNMENT OF CANADA
7 METROPOLITAN TORONTO
8 GIBBS REALTY
9 C N (TITLE IN DISPUTE)
10 C N LEASED TO SWDA C N RETAINS AIR RIGHTS)
11 WITTINGTON LEASEHOLD PROPERTIES
INFORMATION OBTAINED FROM
a SCHEMATIC MAP "LAND OWNERSHIPS" "HARBOUR LANDS BASE FOR PLANNING" REPORT DATED 1970 BY CITY PLANNING AND DEVELOPMENT DEPARTMENT
b SURVEY PLAN PREPARED BY HUNTING SURVEY CORP LTD (data not available)
c 1983 ASSESSMENT AND TAXATION FILE
d TORONTO HARBOUR COMMISSIONER'S DRAWING No 17859

LAND OWNERSHIP

MAP 2 OF 2

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G McLAUGHLIN, COMMISSIONER **MARCH 1985**